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VERTICAL CIRCUITS INCORPORATED

2005 JUN 30 PM 1:05 PHONE (831) 438-3887
FAX (831) 438-1890

(PFW)

FACSIMILE TRANSMITTAL SHEET

TO: Commissioner FROM: William Kuncz
COMPANY: USPTO DATE: 6/27/05
FAX NUMBER: 703/872-9306 TOTAL NO. OF PAGES INCLUDING COVER: 8
PHONE NUMBER: 831/438-3887 x127
RE: Petition for Unavoidable Delay

☒ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ☐ PLEASE RECYCLE

This fax is being re-sent. The original was misplaced by USPTO. Please acknowledge receipt by calling Kathy Sternberg at the above phone #.

10 VICTOR SQUARE SUITE 100
SCOTTS VALLEY, CA 95066

Vertical Circuits, Inc.

10 Victor Square, Suite 100
Scotts Valley, CA 95066
831.438.3887
Fax: 831.438.1890

2005 JUN 30 PM 1:05

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25 March 2005

US Patent & Trademark Office
Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Re: Expired Patent 6,134,118 Issued 10-17-2000

Dear Commissioner,

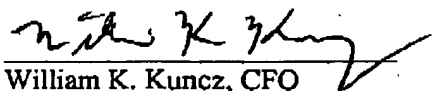
On March 16, 2005, it came to our attention that the above patent expired on November 17, 2004 due to non-payment of the four year maintenance fee due by 10/18/2004. After our investigation and consultation with our patent lawyer, it is our desire to pay the necessary fees immediately and petition for an unavoidable delay per 37 CFR 1.378(b). Following is the required showing statement that we feel demonstrates our 'reasonable care' to pay this fee, as well as others due, in a timely manner.

In 2003, Vertical Circuits, Inc., a small entity, elected to take over the payment of our patent maintenance fees, which were previously handled by our patent attorney, in the interest of control and managing company expenses. At the time, our accounting system could not schedule payments four years into the future, so an alternate method was developed using Microsoft Outlook. The initial conversion of our seventeen patent fee schedules and the complexity of the schedules themselves caused the data to be erroneously entered for the above patent resulting in a scheduled payment that was beyond the four year due date.

We became aware of the expired patent through a regularly scheduled auditing procedure that was established for this very purpose. It is our belief that this late payment is an isolated incident resulting from the initial conversion process, as well as, the volume and complexity of patent fee schedules Vertical Circuits, Inc. currently maintains. By comparison, since 2003, we have successfully paid the fees due on ten other patents on file and our recent audit indicated that six others have been accurately scheduled for payment in the near future.

Enclosed is payment for the patent fee and the surcharge currently due. It is our hope that you find everything in order and can reinstate our patent.

Sincerely,



William K. Kuncz, CFO
Vertical Circuits, Inc.

A TRW affiliate company
"built on heritage"

JUN 27 2005

2005 JUN 30 PM 1:00

PTO/SB/65 (01-05)

Approved for use through 5/31/2005. OMB 0651-0016
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information
at (703) 305-9282.

Patent No. 6,134,118 Application Number 08/834,798
Issue Date 10-17-2000 Filing Date 4-3-1997

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent
number (or reissue patent number, if a reissue) and (2) the application number of the
actual U.S. application (or reissue application) leading to issuance of that patent to
ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.386(c) and (d).

Also complete the following information, if applicable

The above-identified patent:

- ☐ is a reissue of original Patent No. _____ original issue date _____ ;
original application number _____
original filing date _____
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international
application _____ filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is
(1) being deposited with the United States Postal Service on the date shown below with sufficient
postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450 OR
(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark
Office at (703) 872-9306.

3/28/05
Date

[Signature]
Signature

William K. Kuncz
Typed or printed name of person signing Certificate

07/01/2005 DALLEN 00000008.6134118

01 FC:2551
02 FC:1557450.00 OP
700.00 OP

(Page 1 of 4)

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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JUN 27 2005

PTO/SB/85 (01-05)

Approved for use through 5/31/2006. OMB 0861-0018

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ <u>455</u>	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 455.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1587) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700.00

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____

☐ Please charge Deposit Account No. _____ the sum of \$ _____. A duplicate copy of this authorization is attached.

☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____. A duplicate copy of this authorization is attached.

[Page 2 of 4]

PTO/SB/85 (01-05)

Approved for use through 5/31/2008. OMB 0851-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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7. OVERPAYMENT

As to any overpayment made please

☐ Credit to Deposit Account No. _____

OR

☒ Send refund check.**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

William K. Kienz
Signature(s) of Petitioner(s)William K. Kienz
Typed or printed name(s)10 Victor Sq #100
AddressScotts Valley, CA 95066
Address5/28/05
Date(831) 438-3887 x133
Registration Number, if applicable
Telephone Number

ENCLOSURES:

- ☒ Maintenance Fee payment
- ☒ Statement why maintenance fee was not paid timely
- ☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
- ☐ Other:

[Page 3 of 4]

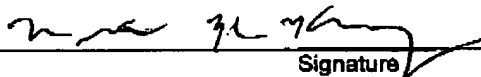
PTO/SB/65 (01-05)

Approved for use through 06/31/2008. OMB 0851-0018

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."


Signature

3/28/05
Date

William K. Kuncz
Typed or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

See attached memo dtd 3-21-05.

(Please attach additional sheets if additional space is needed)

(Page 4 of 4)

06/27/05 MON 11:30 FAX
03/28/05 MON 13:42 FAX

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*** TX REPORT ***

TRANSMISSION OK

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CONNECTION TEL		17038729306
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10 VICTOR SQUARE SUITE 100
SCOTT'S VALLEY, CA 95066

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ☒ PLEASE RECYCLE

Petition for Unavoidable Delay

RE: